



TWP. 45 N RGE. 1 W SEC. 29 MAP # H-7 MAP SCALE _____
DATE OF EXAM 8/26/96 PERMIT # 92-7163

92-7163



MICROFILMED

JAN 17 1991

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 92-07163

Priority: July 1, 1983

Maximum Diversion Rate:
Maximum Diversion Volume:¹

0.02 CFS
0.6 AF

This is to certify, that HOWARD E. DURHAM
P.O. BOX 374

FERNWOOD, ID 83830 has complied with the terms and conditions
of the permit, issued pursuant to Application for Permit dated July 1, 1983; and
has submitted Proof of Beneficial Use on October 23, 1985. An examination indicates
that the works have a diversion capacity of .020 cfs of water from:

SPRING

tributary to SINKS

source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
DOMESTIC	01/01 to 12/31	0.02 CFS	0.6 AF

LOCATION OF POINT(S) OF DIVERSION:

SESW, Sec. 29, Township 45N, Range 01W
BENEWAH County

PLACE OF USE: DOMESTIC

TWN RGE SEC

45N 01W 29

SESW

CONDITIONS/REMARKS:

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount which can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. Domestic use is for 1 home.

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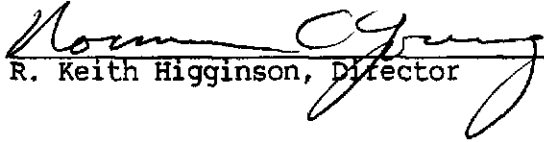
State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 92-07163

This license is issued pursuant to the provisions of Section 42-219, Idaho Code.
Witness the seal and signature of the Director, affixed at Boise, this 12TH
day of DECEMBER, 1990.

Acting for


R. Keith Higginson, Director

MICROFILMED

JAN 17 1991

RECEIVED

Ident. No. 92-7163

JUL 1 1983

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

Department of Water Resources
Northern District Office

To appropriate the public waters of the State of Idaho

APPROVED

1. Name of applicant Howard E. Durham Phone None

Post office address P.O. Box 374, Fernwood, Idaho 83830

2. Source of water supply spring unnamed creek which is a tributary of unnamed creek
Flat Creek

3. Location of point of diversion is SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 29 Township 45N

Range 1W B.M. Benewah County, additional points of diversion if any: _____

4. Water will be used for the following purposes:

Amount 0.09 for irrigation purposes from May 7 to Sept. 30 (both dates inclusive)
(cfs or acre-feet per annum)

Amount .02 for domestic purposes from Jan. 1 to Dec. 31 (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

5. Total quantity to be appropriated:

a. 0.11 cfs cubic feet per second and/or b. _____ acre-feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. Pump from creek for irrigation.
Domestic water to be taken from a spring located on property.

b. Height of storage dam _____ feet, active reservoir capacity _____ acre-feet; total reservoir
capacity _____ acre-feet, materials used in storage dam: _____

Period of year when water will be diverted to storage _____ to _____ inclusive.
(Month/Day) (Month/Day)

c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.

7. Time required for the completion of the works and application of the water to the proposed beneficial
use is 2 years (minimum 1 year — maximum 5 years).

8. Description of proposed uses:

a. If water is not for irrigation:

(1) Give the place of use of water: SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 29 Township 45N

Range 1W B.M.

(2) Amount of power to be generated: NA horsepower under _____ feet of head.

(3) List number of each kind of livestock to be watered NA

(4) Name of municipality to be served NA, or number of families to be
supplied with domestic water One (1).

(5) If water is to be used for other purposes describe: _____

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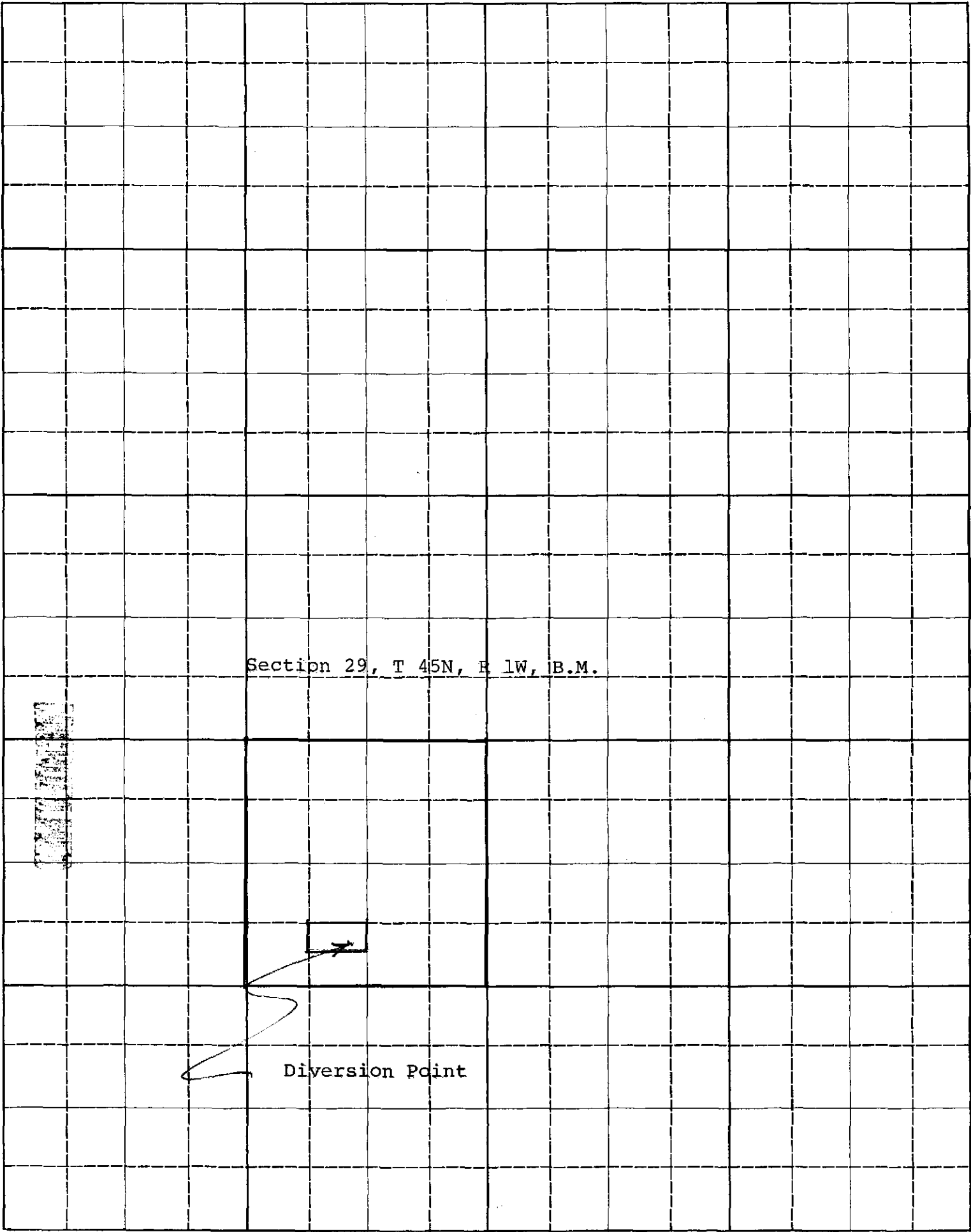
[illegible]

3

b. Who owns the land to be irrigated or place of use: Howard E. Durham and Elise M. Durham

NA applicant to make this filing

11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



Scale: 2 inches equal 1 mile.

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

Howard Durham
(Applicant)

7/1/83

Proposed Priority

7/1/83

Received by

Date

7/1/83

Time

12:30 PM

Preliminary check by

7/3

Fee \$ 3000

Received by

Date

7/6/83 #28695

Publication prepared by

Date

8/3/83

Published in

St. Martin's Gazette Record

Publication dates

8/10 - 8/17

Publication approved

7/1

Date

10/7/83

Protests filed by:

Thorne

Copies of protests forwarded by

Hearing held by

Date

Recommended for

approval

denial

by

tu

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State

of Idaho No. 92-7163, and said application is hereby APPROVED

1. Approval of said application is subject to the following limitations and conditions:

a. SUBJECT TO ALL PRIOR WATER RIGHTS.

b. Proof of construction of works and application of water to beneficial use shall be submitted on or be-

fore December 1, 1985.

c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.

d. Other: Permit holder shall commence the excavation or construction of diverting works within one year of the date this permit is issued and shall proceed diligently until the project is complete.

Witness my hand this 4 day of November, 1983.

David R. Tully
Acting Chief, Operations Bureau

Affidavit of Publication

STATE OF IDAHO
County of Benewah, ss.

JoJane Hammes, being first duly sworn on oath, deposes and says that she is co-publisher and business manager of the St. Maries Gazette Record, a weekly newspaper printed and published at St. Maries, Benewah County, State of Idaho; the St. Maries Gazette Record is a newspaper having general circulation in Benewah county, State of Idaho, and has been continuously and uninterruptedly published in Benewah County, State of Idaho, during a period of more than seventy-eight consecutive weeks prior to the first publication of the notice of advertisement hereon.

That the notice, of which the one hereto attached is a true copy, was published in said newspaper for a period of 2 issues, the first publication being on the 10th day of August, 1983 and the last on the 17th day of August, 1983.

That said newspaper was regularly distributed to its subscribers during the time of the same period; that said notice was published in the regular and entire issue of said paper.

Subscribed and sworn to before me this 23rd day of Aug, 1983

Sharon D. Black

Notary Public in and for Benewah County, Idaho
Residing at St. Maries, Idaho

Water Rights are sought by several

NOTICE OF APPLICATION FOR WATER RIGHT

The following application(s) have been filed to appropriate the public waters of the State of Idaho:

91-7067

Name: Samuel G. Badgett
Address: P.O. Box 538, St. Maries, Idaho 83861
Date Filed: July 1, 1983
Source: Saint Joe River tributary to Coeur d'Alene Lake
Point of Diversion: SENE Sec 17 T 46N R 02W
In: SENE Sec 17 T 46N R 02W for 1 acre
Use: Irrigation (0.03 cfs)

91-7068

Name: Robert Russell
Address: P.O. Box 216, St. Maries, Idaho 83861
Date Filed: July 1, 1983
Source: Groundwater
Point of Diversion: Lot 04 Sec 14 T 46N R 02W
In: Lot 04 Sec 14 T 46N R 02W
Use: Domestic (0.06 cfs)

91-7069

Name: Robert Russell
Address: P.O. Box 216, St. Maries, Idaho 83861
Date Filed: July 1, 1983
Source: Spring tributary to Sinks
Point of Diversion: Lot 04 Sec 14 T 46N R 02W
In: Lot 04 Sec 14 T 46N R 02W
Use: Domestic (0.06 cfs)

91-7090

Name: Keith G. and-or Louis G. Wilson
Address: Rt. 1 Box 23B, St. Maries, Idaho 83861
Date Filed: June 30, 1983
Source: Spring tributary to Sinks
Point of Diversion: SESW Sec 20 T 46N R 02W
In: NWSE Sec 20 T 46N R 02W
Use: Domestic (0.06 cfs)

91-7091

Name: Keith G. and-or Louis G. Wilson
Address: Rt. 1 Box 23B, St. Maries, Idaho 83861
Date Filed: June 30, 1983
Source: Cherry Creek tributary to Saint Joe River
Point of Diversion: SESW NWSE Sec 20 T 46N R 02W
In: NWSE Sec 20 T 46N R 02W for 12 acres
Use: Irrigation (0.20 cfs); Stockwater (0.01 cfs)

92-7157

Name: Charles R. Pettingill
Address: Rt. 4 Box 218, St. Maries, Idaho 83861
Date Filed: June 28, 1983
Source: Santa Creek, South Fork tributary to Santa Creek
Point of Diversion: SESE Sec 35 T 44N R 03W
In: SESE Sec 35 T 44N R 03W for 10 acres
Use: Irrigation (0.20 cfs); Irrigation Storage (2.0 AF); Irrigation from Storage (2.0 AF); Stockwater (0.20 cfs); Stockwater Storage (2.0 AF); Stockwater from Storage (2.0 AF); Diversion to Storage (0.20 cfs)

92-7161

Name: Robert L. Wood
Address: Rt. 4 Box 218, St. Maries, Idaho 83861
Date Filed: July 6, 1983
Source: Unnamed Stream tributary to Santa Creek
Point of Diversion: SWSE Sec 25 T 44N R 03W
In: SWSE Sec 25 T 44N R 03W
Use: Domestic (0.04 cfs)

92-7163

Name: Howard E. Durham
Address: P.O. Box 374, Fernwood, Idaho 83839
Date Filed: July 1, 1983
Source: Unnamed Stream tributary to Carpenter Creek
Point of Diversion: SWSE Sec 11 T 43N R 01W
In: SWSE Sec 11 T 46N R 01W
Use: Stockwater Storage (10.0 AF); Domestic (0.02 cfs)

92-7163

Name: Howard E. Durham
Address: P.O. Box 374, Fernwood, Idaho 83839
Date Filed: July 1, 1983
Source: Spring tributary to Flat Creek, Unnamed Stream tributary to Flat Creek
Point of Diversion: SESW Sec 29 T 45N R 01W
In: SESW Sec 29 T 45N R 01W for 3 acres
Use: Irrigation (0.09 cfs); Domestic (0.02 cfs)

92-7164

Name: Clarence Thomason
Address: Rt. 4 Box 82, St. Maries, Idaho 83861
Date Filed: July 12, 1983
Source: Groundwater
Point of Diversion: NWNE Sec 30 T 45N R 01W
In: NWNE Sec 30 T 45N R 01W
Use: Domestic (0.08 cfs)

92-7165

Name: John E. Goddard
Address: 802 Mitchell St., Colorado Springs, Colorado 80916
Date Filed: June 28, 1983
Source: Rock Creek tributary to Saint Maries River
Point of Diversion: Lot 04 Sec 19 T 44N R 01E
In: Lot 04 Sec 19 T 44N R 01E
Use: Stockwater Storage (5.0 AF); Recreation Storage (5.0 AF); Diversion to Storage (0.20 cfs)

92-7166

Name: John E. Goddard
Address: 802 Mitchell St., Colorado Springs, Colorado 80916
Date Filed: June 28, 1983
Source: Groundwater
Point of Diversion: Lot 04 Sec 19 T 44N R 01E
In: Lot 04 Sec 19 T 44N R 01E for 5 acres
Use: Irrigation (0.10 cfs); Stockwater (0.02 cfs); Domestic (0.06 cfs)

92-7167

Name: James C. and-or Emogene W. Titus
Address: 227 Jefferson St., St. Maries, Idaho 83861
Date Filed: July 21, 1983
Source: Groundwater
Point of Diversion: NESW Sec 27 T 46N R 02W
In: NESW Sec 27 T 46N R 02W for 10 acres
Use: Irrigation (0.20 cfs); Stockwater (0.02 cfs); Domestic (0.04 cfs)

92-7168

Name: Richard Nathanson; Anna Lee Harris
Address: P.O. Box 3571, Moscow, Idaho 83843
Date Filed: June 30, 1983
Source: Spring tributary to Santa Creek, Unnamed Streams tributary to Santa Creek
Point of Diversion: NESE Sec 26 T 44N R 03W
In: NESE Sec 26 T 44N R 03W for 10 acres
Use: Irrigation (0.20 cfs); Domestic (0.04 cfs)

95-8409

Name: John and-or Judy M. Bailey
Address: Rt. 1 Box 75, St. Maries, Idaho 83861
Date Filed: July 28, 1983
Source: Spring tributary to Benewah Creek, Benewah Creek tributary to Coeur d'Alene Lake
Point of Diversion: SESE Sec 22 T 46N R 03W
In: SESE Sec 22 T 46N R 03W
Use: Stockwater (0.02 cfs); Domestic (0.04 cfs)

95-8411

Name: William O. Norris
Address: P.O. Box 363, Plummer, Idaho 83851
Date Filed: July 29, 1983
Source: Groundwater
Point of Diversion: Lot 03 Sec 18 T 46N R 03W
In: Lot 03 Sec 18 T 46N R 03W
Use: Domestic (0.02 cfs)

The permit(s) will be subject to all prior water rights. Protests must be filed with the Director, Dept. of Water Resources, 4055 Gov't Way, Coeur d'Alene, Idaho 83814 on or before August 29, 1983.

KENDUNN, Dir.

No. 7196 — Aug. 10-17.

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December 18, 1990

HOWARD E. DURHAM
P.O. BOX 374
FERNWOOD, ID 83830

RE: WATER RIGHT NO. 92-07163

Dear Water Right Holder(s):

Enclosed herewith is a copy of the Water Right License issued on the above referenced permit.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:blm

Enclosure

MICROFILMED

JAN 17 1991

November 21, 1990

HOWARD E. DURHAM
P.O. BOX 374
FERNWOOD, ID 83830

RE: WATER RIGHT NO. 92-07163

Dear Water Right Holder(s):

Enclosed is a draft copy of the license proposed to be issued on the above referenced water right.

This right is currently being reviewed by this office for licensing. The enclosed preliminary copy is subject to change upon further administrative review.

We ask that you review the proposed license and if you do not concur with the information, please let us know within 10 days.

Sincerely,

SHARLA CURTIS
Technical Records Specialist

SC:blm

Enclosure

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JAN 17 1991

LICENSE REVIEW CHECKLIST

Permit No. 92-7163

Name/Address change? ok ✓

Priority date Advance? yes no ✓
Memo to advance

Order to reinstate needed? yes no ✓

Total cfs Limited by fee

Limited by capacity ✓

Total volume Limited by flow

Capacity Chart checked for AF rate/ac N/A

Actual measurement checked none

Theoretical checked ✓

If greater than permit, check for other rts

Source Changed? yes no ✓

If so, is memo needed to clarify?

P/D Verify with map marked incorrectly as SWSE permit ✓

More than one per 1/4? Remember remark

Check p/d overlap N/A

Uses Check irrigation period of use w/ chart N/A

P/U Verify with map marked incorrectly as SWSE permit ✓

> 5 acres irrigated, run overlap N/A

Remarks More than one p/d in 1/4 ✓

Description of non-irrig uses

Special overlap condition

Conditions Measuring device
W.Master control
Overlap
Water quality
Other

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Dates/Misc Water district
App Rec'd date ✓
Proof Rec'd date ✓

JAN 17 1991

Comments/Changes to Examiner's Recommendations:

License 10-day ✓ 30-day

Back of field report signed? N/A

Reviewer J. Seibert Date 11-14-90
Review time minutes

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

92-7163
Permit No.

Staff Analysis Sheet
for
Beneficial Use Field Report

RECEIVED

SEP 24 1986

A. Prior to Conducting the Exam, the File Contains:

- ☒ Blank Field Report Form
- ☒ Copy of Permit
- ☒ Copies of any Amendments/Orders with conditions of approval Department of Water Resources
- ☒ Computer Data Proof Report
- ☒ Copy of U.S.G.S. Quad
- ☒ Check for Government Lots. If so, make a copy of Government Plat

Check of P/D index 8/25/86 (Initial and date)

Overlap? ☐ yes ☒ no If yes: ☐ copy of exam(s) attached?

Type of Overlap? ☐ Add acres or uses to existing system
☐ Increase rate of flow or volume
☐ Other: _____

Check of P/U index _____ (Initial and date)

Overlap? ☐ yes ☒ no If yes: ☐ copy of water right(s) attached?

Type of Overlap? ☐ Increase rate of flow or volume
☐ Add P/D's
☐ Increase number of acres within tracts
☐ Other: _____

Aerial Photo

Required? ☐ yes ☒ no If yes: ☐ copy attached?

Scheduling Letter sent? _____ (Initial and date)

☐ Appointment made and telephone conversation memo attached

B. After Conducting the Exam, the File Contains:

- ☒ Fully completed and signed Field Report Form
- ☒ Photographs of Point of Diversion and Place of Use
- ☒ Corrected Computer Data Proof Report with recommended license information, and date and signature of examiner.

C. Review and Processing:

Exam Completed [Signature] (Signature of examiner and date)

Exam Reviewed by Senior Water Resource Agent 8/29/86 (Initial and date)

Exam Reviewed by Manager of Regional Office 9/22/86 (Initial and date)

Exam Date Entered in Computer 9/22/86 (Initial and date)

Exam sent to State Office _____ (Initial and date)

Copy of Staff Analysis Sheet sent to Manager of Regional Office and Original
Refiled in White File _____ (Initial and date)

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED
SEP 24 1986

Department of Water Resources

A. GENERAL INFORMATION

Permit No. 92-7163

1. Owner: HOWARD DURHAM Phone No. _____

Current Address: POB 374 FERNWOOD, ID. 83830

2. Accompanied by: H. DURHAM EXAM. DATE: 8-26-86

Address: SAME Phone No. _____

Relationship to Permit Holder: _____

3. Source: SPRING tributary to SINKS

B. OVERLAP REVIEW

1. Other water rights with same place of use: _____

☐ Copies Attached

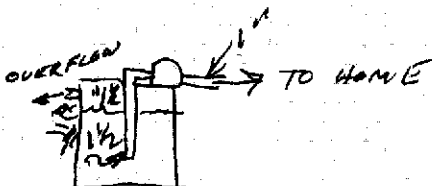
2. Other water rights with same point of diversion: _____

☐ Copies Attached

☐ Copies of Field Exam's Attached

C. SYSTEM DESCRIPTION

1. **Diversion System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable. ☐ Alternative diagram attached



Scale: 1" = _____

2. ☐ Copy of U.S.G.S. Quadrangle Attached
Showing location(s) of point(s) of diversion and
place(s) of use (required).

☐ Photo of Diversion and System Attached

(required for all but single household domestic groundwater, and stockwater.

☐ Aerial Photo Attached
(required for irrigation of 10 acres or more).

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3. Narrative: Description (As operating at time of measurement. Indicate pressure, number of sprinklers, etc.)

DEVELOPED SPRING 12' DEEP TIMBER WALLS ~~IN~~ GATE & GROUND

8x8

5260N04Y 00022 01 0224 76

☐ See Remarks on page 4 for continuation

Well or Diversion Identification No.*	D48	1/2	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size

*Code to correspond with No. on map and aerial photo

5. Point(s) of Diversion:

[illegible]

6. Place(s) of Use:

Indicate Method of Determination.

[illegible]

Do not use this space

JAN 1 2 1991

Do not use this space

D. FLOW MEASUREMENTS

☐ Additional Data Sheets Attached

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date

2. Measurements:

E. FLOW CALCULATIONS

☐ Additional Computation Sheets Attached

1. Measured Method: *ONE HOME*

2. Alternate Method for Checking Purposes:

$$\frac{8.8(\frac{1}{2}) 30 \frac{1}{2}}{2.3(20) + 20} = .05$$

F. PUMP EFFICIENCY DATA (Optional)

Discharge Pressure: _____ psi x 2.31 = _____ ft (1); Dynamic pumping level: _____ ft (2)

Total Head: (1) + (2) = _____ (3); Flow rate: _____ cfs (4)

Water HP: (3) x (4) ÷ 8.8 = _____ (5)

Meter Input KW: 3.6 x _____ KH x _____ CTR or _____ MULT x _____ PTR x _____ N/ _____ T = _____ (6)

Meter Input HP: (6) x 1.34 = _____ (7)

Panel Input KW: _____ Ave PF x _____ Ave Volts x _____ Ave Ampsx .001732 = _____ (6)

Panel Input HP: (6) x 1.34 = _____ (7) Efficiency: (5)/(7) x 100 = _____ %

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) =$ _____

$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 =$ _____

$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} =$ _____

2. Volume Calculations for Other Uses:

ONE HOME

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NO LAWN NO GARDEN GREEK NOT USED SYSTEM IN 1947
~~WAS~~ GREEK DRY WHEN WATER NEEDED - NO I.R. WAS
 TAKEN PLACE

~~WATER GREEN DRY WHEN WATER NEEDED - NO I.R. HAS~~

1. Recommended Amounts

Period of Use
From _____ **To** _____

12-31 1-1

~~502~~
DSD 2010 (S) D

7'0
(RIP) A

2. Recommended Amendments

☐ Change P.U. as reflected above☐ Change P.D. as reflected above

☐ Add P.U. as reflected above

☐ Add P.D. as reflected above☐ Other☒ None

Field Examiner's Name

Signature

Certification Date

Field Report Preparation Date

K. Licensing recommendation shall be prepared by an Idaho Department of Water Resources employee on a computer printout attached hereto.

CONSULTANT SEAL

RECORDED
JAN 17 1991

4/86

RECEIVED

JUL 9 1986

Department of Water Resources
STATE OF IDAHO Northern District Office

DEPARTMENT OF WATER RESOURCES

EXAMINATION FEE INFORMATION

For Office Use Only
Fee Received _____
Date _____
Receipt # _____
Receipt by _____
Sent to S.O. _____

RECEIVED

JUN 12 1986

1. Permit No. 92-7163

ONE OF THE FOLLOWING BOXES SHOULD BE MARKED TO DESIGNATE YOUR CHOICE Department of Water Resources
Northern District Office

☒ I choose to have the department make the field examination of this permit; attached is the examination fee. (If this box is marked, complete items 1 thru 8.)

2. Permit Holder: Howard Durham

3. Post Office Address: P.O. Box 374, Fernwood, ID 83830
Telephone No. _____

4. Source of Water: Creek (unnamed)

5. Extent of Use:

Domestic 1 (No. of households) Stockwater 1 (No. and type of stock)

Irrigation 2 (acres) Other/Remark _____

6. Total rate &/or volume for which proof is submitted 0.33 cfs 4? acre-feet

7. Show the date water was first diverted and beneficially used under this permit:

June 1984

8. Person to contact to accompany the department representative during the field examination:

Howard Durham

(Name)

P.O. Box 374 Fernwood, Id. 83830

(Address)

(Telephone Number)

☐ I choose to have the field examination conducted by a certified water right examiner. Attached is a statement from the certified examiner I have selected verifying that he has been retained to conduct the examination. (If this box is marked, complete items 1 thru 7.)

6-10-86
Date

Howard Durham
Signature of Permit Holder (and title, if appropriate)

June 24, 1986

Mr. Howard Durham
P.O. Box 374
Fernwood, Id. 83830

Re: 92-7163

Dear Mr. Durham:

I am returning your "Examination Fee Information" statement for completion of Item Nos. 5 & 6. If you only have one home and no irrigation then 0.02 cfs would be appropriate. There is no fee for an examination of less than 0.04 cfs.

If you need help completing these items, please contact this office at 765-4639.

Sincerely,

TOM D. KING
Senior Water Resource Agent

IDK/pms

Enc. - Statement

MICROFILMED

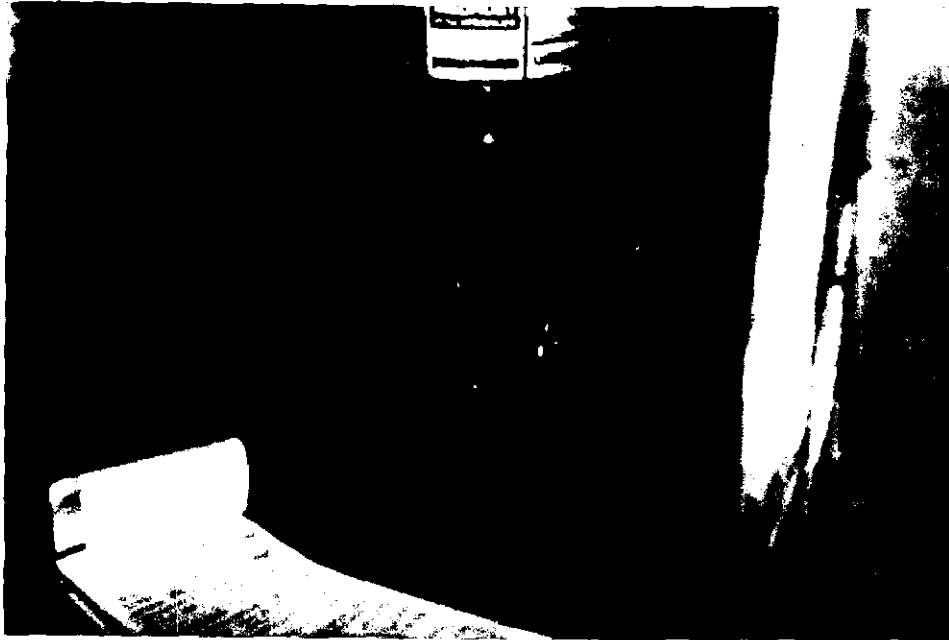
JAN 1 1987

12'30"

T.45 N.
T.44 N.

TWP. _____ RGE. _____ SEC. _____ MAP # _____ MAP SCALE _____
DATE OF EXAM 8/26/96 PERMIT # _____

92-7163



RECEIVED 10-10-00
FBI - NEW YORK

JAN 17 1991

10-10-00 10-10-00 10-10-00 10-10-00 10-10-00

MEMORANDUM

COPY

TO: NORTHERN REGION

FROM: KAY WALKER

RE: EXAM OF PERMIT NO. 92-7163

DATE: 27-NOV-1989

=====

We have apparently lost the field examination of this permit, which was done on 8/26/1986.

Please re-examine if you have information that the examination fee sheet has been received. We do not show that the fee sheet was ever returned since our 4/30/86 correspondence but the computer shows that an examination was done and no fee was required. We must have the evidence of the fee sheet in our file also so if you have information regarding that we will need a copy of it.

I am attaching a copy of the 4/30/86 correspondence and a copy of the permit in case you no longer have one.

Thanks!! Kay

*Exam located during a review
of another file 12/7/89 - Northern
Region advised. kw*

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JAN 17 1991

POINT OF DIVERSION OVERLAP REVIEW

WR-NUMBER	TWP	RNG	SC	TRACT	LT	#SOURCE	#NAME
				1\4 1\4 1\4			
9207163	45N	01W	29	SE SW		SPRING	DURHAM, HOWARD

MICROFILMED

JAN 17 1991



State of Idaho

DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

Mailing address:
Statehouse
Boise, Idaho 83720

92-7163
DURHAM, HOWARD E.
P.O. BOX 374
FERNWOOD, ID 83830

138134

April 30, 1986

CERTIFIED MAIL

EXAMINATION FEE NOTICE

Dear Permit Holder:

Department records show that proof of beneficial use has been submitted for the above-referenced permit, but that a field examination has not yet been conducted to determine the extent of beneficial use of the water for licensing purposes.

House Bill 671 (effective April 4, 1986) enacted by the 1986 Idaho Legislature requires the payment of a fee before this department can conduct the field examination needed to issue a license confirming use of water under the permit. This letter is notification that the license examination fee is due within sixty (60) days of the date of this letter. The examination fee information sheet (enclosed) must be returned with the fee.

As an alternative to submitting the fee, the department will accept a field examination report completed by a certified water right examiner from the private sector. If you choose to have the examination done by a certified water right examiner, you need not submit the license examination fee to the department, but you must within sixty (60) days of the date of this letter return to the department, the examination fee information sheet showing appropriate information together with a statement from the certified examiner to verify that you have retained a certified examiner to conduct the field examination. If you choose this alternative, a completed field examination report must be submitted within one year of the date of this letter. You cannot later change your decision to use this alternative and submit the fee for the department to conduct the field examination, but you may change to another certified examiner.

MICROFILMED

JAN 17 1991

Certified water right examiners are licensed engineers, geologists, or land surveyors certified by the department to conduct water right examinations. The procedure for certifying examiners results from the recently enacted HB 671 and is being developed at this time. A listing

of certified water right examiners will be available from this department when examiners have been certified.

If your permitted use, in fact, has already been examined by the department and you have not asked to have the examination repeated, the fee requirement is not applicable to your permit. If you believe this is the case, please contact the department.

The license examination fee is to be based on the amount of water you indicate you have developed, as listed in item 6 on the examination fee information sheet. The amount of water on which the examination fee is based can be less than the permitted amount, if less water has been diverted and beneficially used. The licensed amount of water, however, will not exceed the amount you claim on the examination fee information sheet. The enclosed license examination fee schedule shows a listing of applicable fees.

FAILURE TO SUBMIT WITHIN THE SIXTY (60) DAY PERIOD, THE FEE OR THE STATEMENT THAT A CERTIFIED EXAMINER HAS BEEN RETAINED TO MAKE THE FIELD EXAMINATION, WILL BE CAUSE TO ADVANCE THE PRIORITY OF THE PERMIT ONE DAY FOR EACH DAY THAT THE FEE SUBMITTAL IS LATE.

FAILURE TO SUBMIT THE FEE OR THE COMPLETED FIELD EXAMINATION REPORT WITHIN A YEAR WILL BE CAUSE TO CONSIDER THE PROOF OF BENEFICIAL USE TO BE INCOMPLETE AND TO LAPSE THE PERMIT.

The attached examination fee information sheet and the fee may be submitted to the following department offices.

Northern Region

Idaho Dept. of Water Resources
4055 Government Way
Coeur d'Alene, ID 83814
Phone: 765-4639

Eastern Region

Idaho Dept. of Water Resources
150 Shoup Ave., Suite 15
Idaho Falls, ID 83401
Phone: 525-7161

Southern Region

Idaho Dept. of Water Resources
1041 Blue Lakes Blvd. North
Twin Falls, ID 83301
Phone: 734-3578

Western Region

Idaho Dept. of Water Resources
450 W. State St., (Third Floor)
Boise, ID 83720
Phone: 334-2190

Sincerely,



L. GLEN SAXTON
Chief, Operations Bureau

Enclosures

MICROFILMED

JAN 17 1981

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
COMMENCEMENT OF WORKS

Permit No. 92-7163

Name(s) of Permit Holder(s): Durham Howard E.

Post Office Address: P.O. Box 374, Fernwood
ID 83830

Tel. No. _____

☒ I hereby certify that construction of diversion works on the above referenced permit began on Aug. 16, 1984 (date) and I understand that I must

continue to develop the water system with due diligence to maintain a valid permit.

☐ I hereby certify that construction or diverting works on the above referenced project has not yet begun due to the following reason beyond my control*:

*Note: A financing difficulty is not an acceptable reason.

Sept. 14, 84
Date

Howard Durham
Signature of Permit Holder

MICROFILMED
JAN 27 1991

Howard Durham
P.O. Box 374
Fernwood, ID 83830



RECEIVED



MICROFILMED

JAN 17 1991

SEP 17 1984 IDAHO DEPARTMENT OF WATER RESOURCES

STATEHOUSE

BOISE, IDAHO 83720

Department of Water Resources

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES
Northern Region

JOHN V. EVANS
Governor
A. KENNETH DUNN
Director

4055 Government Way
Coeur d'Alene, ID 83814
(208) 667-6484

JANUARY 29, 1986

HOWARD E. DURHAM
P.O. BOX 374
FERNWOOD ID 83830

RE: Permit No. 92-7163

Dear Permit Holder:

We acknowledge receipt of your statement submitted as proof of beneficial use for the above referenced permit.

Before a Water Right License can be issued, a field examination must be made by a representative of this department.

A field examiner will contact you to arrange to examine your system.

If you have any questions regarding the field examination, please contact this office by phone at 765-4639 or in person at our office.

Sincerely,

/S/
TOM D. KING
Senior Water Resource Agent

cc: IDWR - State Office

MICROFILMED

JAN 17 1991

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
PROOF OF BENEFICIAL USE

RECEIVED
OCT 23 1985

Department of Water Resources

The Idaho Department of Water Resources will consider this form as a statement that the permit holder(s) has completed development under this permit and that water has been applied according to the provisions of the permit for the beneficial use(s) described below:

Permit No. 92-7163

Name(s) of Permit Holder: Durham, Howard E.

Post Office Address: P.O. Box 374, Fernwood, ID 83830

Telephone No. —

Source of Water: Unnamed Creek

Extent of Use:

Domestic 1 (number of households)

Stockwater 6-cows, 1-horse (number and type of stock)

Irrigation 3 (acres)

Other/Remarks —

Indicate the date water was first diverted and beneficially used under this permit: 10/1/84

Measuring Device: Required? ☐ Yes ☒ No
Installed? ☐ Yes ☐ No

Flow Measurement Port: Required? ☐ Yes ☒ No
Installed? ☐ Yes ☐ No

Person to contact to accompany the Department representative during the field examination:

Howard Durham

(Name)

P.O. Box 374, Fernwood, ID 83830

(Address)

(Telephone Number)

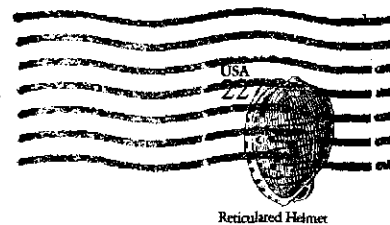
The above information is a true statement of the extent to which the above numbered permit has been developed.

10/20/85
Date

Howard Durham
Signature of Permit Holder (and Title, if appropriate)

MICROFILMED

Howard Durham
P.O. Box 374
Fernwood, ID 83830



Idaho Department of Water Resources
Statehouse Mail
Boise, ID 83720

6.8

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

STATEHOUSE
BOISE, IDAHO 83720
(208) 334-4440
CERTIFIED MAIL

138397

DURHAM, HOWARD E.
P.O. BOX 374
FERNWOOD, ID 83830

PROOF DUE NOTICE

SEPTEMBER 30, 1985

DEAR PERMIT HOLDER:

ONE OF THE CONDITIONS OF APPROVAL OF YOUR WATER PERMIT NO. 92-7163 WAS THAT PROOF OF THE EXTENT OF YOUR BENEFICIAL USE MUST BE SUBMITTED TO THIS OFFICE ON OR BEFORE DECEMBER 01, 1985. (SEE LAST PAGE OF YOUR APPROVED PERMIT OR YOUR LAST APPROVED EXTENSION REQUEST). ENCLOSED IS A FORM WHICH MAY BE USED TO SUBMIT THE REQUIRED PROOF.

IF YOU HAVE NOT FULLY COMPLETED YOUR PROJECT, AND YOU OR A PREVIOUS OWNER OF THIS PERMIT HAVE NOT RECEIVED A PRIOR EXTENSION OF TIME, YOU MAY REQUEST AN EXTENSION OF TIME IF THE DELAY IS FOR REASONABLE CAUSE AS PROVIDED IN SECTION 42-204, IDAHO CODE. IF YOU HAVE BEEN PREVENTED FROM PROCEEDING BY A GOVERNMENTAL AGENCY OR BY LITIGATION, MORE THAN ONE EXTENSION OF TIME CAN BE GRANTED. AN EXTENSION OF TIME REQUEST FORM IS ENCLOSED FOR YOUR CONVENIENCE.

EITHER THE BENEFICIAL USE FORM OR A REQUEST FOR AN EXTENSION OF TIME MUST BE RECEIVED BY THIS DEPARTMENT ON OR BEFORE THE ABOVE DESCRIBED PROOF DUE DATE. IF NEITHER IS RECEIVED, THE DEPARTMENT WILL SEND YOU A LAPSE NOTICE. WITHIN SIXTY (60) DAYS OF THE MAILING OF THE LAPSE NOTICE, THE PERMIT WILL NO LONGER BE OF ANY FORCE NOR EFFECT.

SINCERELY,

RITA FLECK
SECRETARY/RECORDS MANAGER

ENCLOSURES

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

NORTHERN REGION

A. Kenneth Dunn
Director

Suite No. 9
4055 Government Way
Coeur d'Alene, Idaho 83814
(208) 667-6184

January 16, 1984

File

Mr. Jack B. Britton
Thomas C. Morris, Chartered
722 Main Ave.
St. Maries, Id. 83861

Re: Howard E. Durham Applications for Permit

Dear Mr. Britton:

The two applications of Mr. Durham (Nos. 92-7162 and 92-7163) were approved by our Main Office and a copy of each mailed to the applicant.

If the copies were not received or if further copies are needed, they can be obtained by contacting the Idaho Department of Water Resources, Statehouse, Boise, Idaho 83720.

If I can be of any further service, please contact me at this office.

Sincerely,

[Signature]
TOM D. KING
Senior Water Resource Agent

TDK/pms

✓ cc: IDWR - State Office

MAIL ROOM

THOMAS C. MORRIS
JACK B. BRITTON

TELEPHONE: 208-245-2523

LAW OFFICE OF
THOMAS C. MORRIS, CHARTERED
722 MAIN AVENUE
ST. MARIES, IDAHO
83861

January 12, 1984

Idaho Department of Water Resources
Route 5, Box 203
Suite 1
Coeur d'Alene, Idaho 83814

Re: Application for Permits, Howard E. Durham

Dear Sir:

The Application of Howard E. Durham for a Permit to appropriate the public waters of the State of Idaho to be diverted at the SW 1/4 of the SE 1/4 of Section 11, Township 43 North, Range 1 West, Boise, Meridian was forwarded to you under our cover letter of June 30, 1983. A copy of Mr. Durham's Application for Permit is included herein for your information.

Please provide us with the status of the said Application for Permit. Your assistance in this matter is greatly appreciated.

Very truly yours,

LAW OFFICE OF
THOMAS C. MORRIS, CHARTERED

By: 
JACK B. BRITTON

JBB:bm

enclosure

cc: Howard E. Durham

RECEIVED
JAN 13 1984

Department of Water Resources
Northern District Office

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

STATEHOUSE
BOISE, IDAHO 83720
(208) 334-4440

DURHAM, HOWARD E.
P.O. BOX 374
FERNWOOD, ID 83830

NOVEMBER 22, 1983

RE: PERMIT NO. 92-7163

DEAR PERMIT HOLDER:

ENCLOSED IS A COPY OF YOUR APPROVED APPLICATION FOR PERMIT. WE DIRECT YOUR ATTENTION TO THE CONDITIONS OF APPROVAL ON THE FOURTH PAGE.

THE 1982 IDAHO LEGISLATURE ADDED A REQUIREMENT THAT AS A PERMIT HOLDER YOU MUST COMMENCE THE EXCAVATION OR CONSTRUCTION OF DIVERTING WORKS WITHIN ONE YEAR OF THE DATE THE PERMIT WAS ISSUED, AND YOU MUST PROCEED DILIGENTLY UNTIL THE PROJECT IS COMPLETED. THE ENCLOSED BLUE CARD MUST BE COMPLETED AND RETURNED TO THIS OFFICE AS SOON AS YOU COMMENCE CONSTRUCTION, NO LATER THAN ONE YEAR FROM THE DATE THE PERMIT WAS APPROVED.

WE HAVE ENCLOSED INSTRUCTIONS ENTITLED "MAKING PROOF OF BENEFICIAL USE". PLEASE READ THE INSTRUCTIONS CAREFULLY SINCE YOU MUST TAKE FURTHER ACTION TO DEVELOP THIS PERMIT INTO A LICENSE.

SINCERELY,

DAVID R. TUTHILL, JR., P.E.
SUPERVISOR, WATER ALLOCATION SECTION

ENCLOSURE

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State of Idaho
Department of Water Resources

APPLICATION FOR PERMIT ANALYSIS SHEET

INITIAL REVIEW BY: AB APPLICATION NUMBER: 92-7163

CHECK:

- ☒ Source.
☒ Point of diversion.
☒ County.
☒ Quantity of water and period of use.
☒ Description of diverting works.
☒ Time required for beneficial use of water.
☒ Place of use or acres irrigated.
☒ Map.
☒ Signature.

Field check by: _____

Date: _____

Comments: _____

- ☐ Yes ☒ No Field check required.
☐ Yes ☒ No Critical groundwater area.
☐ Yes ☒ No Request dam safety information. Sent by: _____ Date: _____
☒ Yes ☐ No* In form to receipt.

*REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT: _____

SEND COPIES TO:

- ☐ Idaho State Health Department.
☐ Idaho Fish and Game Department.
☐ Idaho Department of Lands.
☐ U.S. Bureau of Land Management.
☐ U.S. Forest Service.
☐ Other _____

Copies sent by: _____ Date: _____

PROCESSING:

- ☐ Yes ☐ No Platted by: _____ Map No. _____
☐ Yes ☐ No Other rights on same place of use. _____

- ☒ Yes ☐ No* In form for advertising.
Final date for protests: 8/29/83
☐ Yes ☒ No Protests received. If yes, record information on 4th page of application.

FINAL REGIONAL PROCESSING REVIEW:

- ☒ Affidavit of publication received. Date: 8/24/83
☒ Application published correctly. If not, record action taken: _____
☒ Fee amount, receipt date & number, recorded on application.
☒ Publication dates and paper, recorded on application.
☒ Protests, dates, withdrawal, etc., recorded on application.
☒ Recommendation & initial, recorded on application.
☐ Yes ☒ No Measuring device required.
☐ Yes ☒ No Access port required.
☐ Yes ☒ No Will water be delivered by watermaster? If yes, what district? _____
☒ Date of priority recommended: 7/1/83
☒ Special conditions of approval or cover letter. _____

By: [Signature] Date: 01/12/83
STATE OFFICE REVIEW:

217 26
☐ See attached sheet for more information.
By: [Signature] Date: 10/31/83

UNPROCESSED

92-7163

DURHAM, HOWARD E.

P.O. BOX 374, FERNWOOD, ID 83830

Source: SPRING trib. to FLAT CREEK
UNNAMED STREAM trib. to FLAT CREEK

Date Filed: 07/01/1983

Diversion Pt: SESW Sec 29 T 45N R 01W

Use: IRRIGATION	(0.09 CFS)
DOMESTIC	(0.02 CFS)

In: SESW Sec 29 T 45N R 01W FOR 3 ACRES

MICROFILMED

LAW OFFICE OF
THOMAS C. MORRIS, CHARTERED
722 MAIN AVENUE
ST. MARIES, IDAHO
83861

June 30, 1983

Idaho Department of Water Resources
Route 5, Box 203
Suite 1
Coeur d'Alene, Idaho 83814

Re: Application for Permits - Howard E. Durham

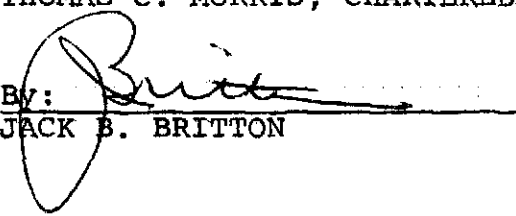
Dear Sir:

Enclosed are two Applications for Permit for Howard E. Durham to appropriate the public water in the State of Idaho as to two separate pieces of property, together with appropriate filing fees. Please process the enclosed Applications and should there be any questions, please contact this office.

Your assistance in this matter is appreciated.

Very truly yours,

LAW OFFICE OF
THOMAS C. MORRIS, CHARTERED

By: 
JACK B. BRITTON

JBB:bh

cc: Howard E. Durham

enclosures